

REMARKS

These remarks are submitted in response to the Final Office Action mailed August 2, 2010 and the interview which took place on October 6, 2010 concerning this application. A Notice of Appeal from the Final Office Action accompanies these remarks.

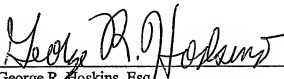
The applicants very much appreciate the interview which took place on October 6, 2010. The applicants in particular appreciate the efforts of both Examiners in trying to reach an agreement concerning the scope of allowable subject matter. The subsequent Interview Summary mailed by the USPTO on October 12, 2010 accurately describes the substance of the interview. The applicants nonetheless submit the following three additional remarks concerning the interview.

First, as one point of minor clarification concerning the new matter rejection, the USPTO Interview Summary states the applicants relied on the disclosure on page 12, line 25 of the application to argue claim 18 does not contain new matter. While the disclosure at line 25 is the crux of the applicants' evidence in this regard, the applicants' representative also relied upon the entire paragraph on page 12 at lines 19 to 29 and the associated Figure 4 in making this argument during the interview. The applicants thank the Examiners for reconsidering and withdrawing the new matter rejections of claims 18-20 in light of that evidence.

Second, the USPTO Interview Summary goes on to summarize the discussions concerning the anticipation rejections of the independent claims 1, 8, 10 and 18 based on U.S. Patent No. 6,397,098 to Uber III et al. ("Uber"). One topic which was discussed during the interview in this regard was the previous indication of allowable subject matter, in the same April 28, 2010 Office Action which first cited Uber. Quoting the indication of allowable subject matter during the interview, the applicants pointed to the five elements of that subject matter as follows: "[a] control of the heart beat rate [b] during the CT scan [c] to be for the purpose of creating a steady heart beat rate during the CT scan [d] in order to reduce variations in heart beat rate of the patient during the CT scan [e] that result in an improved image quality of an image of the patient's heart." The applicants pointed out that the pending claims recite elements [a], [b] and [d] as the essence of the allowable subject matter, but do not include elements [c] and [e]. The applicants asked whether adding one or both of elements [c] and [e] would make the claims allowable, and the Examiners stated that it would not. In other words, the Examiners withdrew the indication of allowable subject matter.

Third, the applicants proposed during the interview the possibility of filing another amendment. However, upon further consideration, the applicants have decided instead to file a Notice of Appeal concerning the claims as they currently stand. Again, the applicants very much appreciate the Examiners' willingness to discuss other alternatives. However, the applicants believe that the independent claims as currently written are nonetheless different from Uber, for reasons which were discussed during the interview and which will be further discussed in an Appeal Brief to follow if necessary.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "George R. Hoskins", is written over a horizontal line.

George R. Hoskins, Esq.
Calfec, Halter & Griswold LLP
800 Superior Avenue, Suite 1400
Cleveland, Ohio 44114
(216) 622-8200